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August 14, 2023

By ECF

Honorable Ann M. Donnelly
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Sylla et al., v. Amazon Labor Union et al.
Civil Case No. 23- 05261 (AMD)
Motion to Strike Declaration from Docket (Docket No. 25)

Dear Judge Donnelly:

On Saturday August 12, 2023, counsel for Defendants filed what was described on the docket as “**DECLARATION re [9] Amended Complaint, [1] Complaint,, [3] Affidavit in Support of Motion, [21] Reply in Support,, *IN OPPOSITION BY CASSIO MENDOZA.***” But there is no Motion pending by Defendants for Mr. Mendoza to support, nor is there something that a “Reply in Support is needed for.

The Mendoza Declaration, which I understand was filed so that it can be used in ongoing litigation between the Amazon Labor Union and Amazon, Inc. falsely states that we listed Mr. Mendoza as a Plaintiff even though he had not signed a retainer. In fact, he is not a Plaintiff, and was never listed by Plaintiff’s counsel as a Plaintiff. Paragraph 3 of the Complaint, which lists all of the Plaintiffs then has the sentence “Plaintiffs Connor Spence, Kathleen Cole, Brett Daniels, and Cassio Mendoza were members of the initial Executive Board created at the time that the ALU was founded, or were appointed to fill a vacancy in an officer position, and served in that position at various times between the union’s founding and December 2022. But we had not listed Mendoza as a Plaintiff, and his inclusion in the second half of that sentence was an error.

Then, Mendoza’ Declaration takes issue with Plaintiff Connor Spence’s July 13 Declaration in which he stated: . Brett Daniels, , Madeline Wesley, and CassioMendoza, have confirmed to me that after the zoom calls with the legal team there was a consensus regarding the content of Constitution 2, and that it needed only to be proofread and formatted. They will also confirm that it was approved by the entire Executive Board, it was communicated broadly to members that the new constitution would be filed with the LM-1.”

We are not looking to get into a back and forth about the accuracy of the Mendoza Declaration; what we are objecting to is a)its filing at a time when no Defendants’ motion is

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pending; its use to make assertions of unethical conduct on my part, and c) the use of this Court's docket to create a document which is really being created for the NLRB Litigation. We know that Defendnat's Counsel is calling around, attempting to collect mor statements like Mr. Mendoza's and telling non-plaintiff former union activists that if they don't sign what Attorney Singla writes that Amazon will get the union recognition election overturned.

This Declaration and the others Attorney Singla appears to be soliciting have no place on the docket, and we request that this one be struck. If Mr. Mendoza sticks to his story (which may not occur when he sees evidence to the contrary), his Declaration can be filed after we file our papers later today.

Thank you for your condideration.

Respectfully submitted,

/s/ Arthur Z. Schwartz

Arthur Z. Schwartz

cc. All Counsel by ECF